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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 ERIC RYAN BAILEY,

12 Plaintiff,

13 v.

14 COMMISSIONER OF SOCIAL SECURITY,

15 Defendant.
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Case No. 1:20-cv-01220-SAB

ORDER RE STIPULATION FOR
VOLUNTARY REMAND PURSUANT TO
42 U.S.C. § 405(g)

(ECF No. 21)

17 Eric Ryan Bailey (“Plaintiff”) seeks judicial review of a final decision of the
18 Commissioner of Social Security (“Commissioner” or “Defendant”) denying an application for
19 disability benefits pursuant to the Social Security Act. On July 12, 2021, the parties filed a
20 stipulation agreeing to a voluntary remand of this matter pursuant to 42 U.S.C. § 405(g). (ECF
21 No. 21.) Pursuant to the terms of the stipulation, the Appeals Council will instruct the
22 Administrative Law Judge (“ALJ”) to further develop and determine if the Plaintiff experienced
23 medical improvement or whether one of the exceptions to medical improvement applies pursuant
24 to 20 C.F.R. 416.994. (Id.) If the ALJ is unable to locate the Plaintiff’s prior file, the ALJ shall
25 make specific findings consistent with the regulations, including whether an attempt should be
26 made to reconstruct portions of the missing file relevant to the most recent favorable medical
27 decision pursuant to 20 C.F.R. 416.994(b)(2)(iv)(E). (Id.) Additionally, the ALJ shall further
28 consider the Plaintiff’s substance abuse pursuant to Social Security Ruling 13-2p. Finally, the

1 ALJ shall further evaluate the Plaintiff's residual functional capacity, if warranted, obtain
2 evidence from a medical expert related to the nature and severity of the functional limitations
3 resulting from Plaintiff's impairments, and obtain supplemental evidence from a vocational
4 expert to clarify the effect of the assessed limitations. (Id.)

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. The above-captioned action be remanded to the Commissioner of Social Security
7 for further proceedings consistent with the terms of the stipulation for remand;
- 8 2. Judgment is entered in favor of Plaintiff Eric Ryan Bailey and against Defendant
9 Commissioner of Social Security; and
- 10 3. The Clerk of the Court is DIRECTED to close this action.

11 IT IS SO ORDERED.

12 Dated: July 13, 2021

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15 UNITED STATES MAGISTRATE JUDGE
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